

**Meeting of the Central Valley Flood Protection Board
June 20, 2008**

**Draft Staff Report
DWR Floodway Protection Section**

Item

Consider approval of Permit No. 18305, Township 9 Project, to place fill and plant native trees along the landside slope of the left (south) bank levee of the American River.

Applicant

Steve Goodwin

Location

The project is located in the City and County of Sacramento, north of Richards Boulevard between North 5th and 7th Street along the American River (see Attachment B).

Description

The applicant wishes to place approximately 1,500 linear feet of fill and plant native trees on the landside of the levee to raise the existing grade on the north end of the Township 9 development project. The placement of fill will provide a thickened levee section along the south side of the American River from approximately 5,000 feet to 6,500 feet upstream of the confluence of the Sacramento River. A park and parallel roadway (Riverfront Drive) will be placed on top of the fill.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers has endorsed this application (Exhibit A).
- American River Flood Control District has endorsed this application (Exhibit B).

CEQA Compliance:

Board staff is completing CEQA review and Board findings for the City of Sacramento's Environmental Impact Report and Mitigation Monitoring Plan for the Township 9 project

(SCN 2006072077) adopted by Resolution 2007-641 by the Sacramento City Council, on August 28, 2007.

Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has positive effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

Staff Recommendation

The Staff recommendation will be forthcoming pending completion of CEQA review.

List of Attachments

- A. Draft Permit
- B. Location maps and photos

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18305 BD

This Permit is issued to:

Steve Goodwin
424 N. 7th Street, Suite 200
Sacramento, California 95814

To place approximately 1500 linear feet of fill and plant native trees along the landside slope of the left (south) bank levee of the American River. The project is located in Sacramento, north of Richards Boulevard between North 5th and 7th Street (Section 25, T9N, R4E, MDB&M, American River Flood Control District, American River, Sacramento County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of the Central Valley Flood Protection Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 day's notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 18305 BD

THIRTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

FOURTEEN: Prior to construction, the permittee shall provide a permanent easement granting the Sacramento and San Joaquin Drainage District, acting by and through the Central Valley Flood Protection Board, the flood control rights over that portion of the to-be-placed fill material parallel to and extending 15 feet landward of the existing landside levee toe which is not presently encumbered by a Central Valley Flood Protection Board easement. Please contact Linus Paulus at (916) 653-3947 for information regarding existing SSJDD easements and transfer of any required easements to the SSJDD.

FIFTEEN: The permittee is responsible for all liability associated with construction, operation, and/or maintenance of the permitted encroachment(s) and shall defend and hold harmless the Central Valley Flood Protection Board, the State of California and/or any department(s) thereof and American River Flood Control District from any liability or claim(s) of liability associated therewith.

SIXTEEN: The Central Valley Flood Protection Board, the State of California and/or any departments thereof and American River Flood Control District shall not be held liable for damage(s) to the herein permitted encroachment(s) resulting from release(s) of water from resevoirs, flood fight, operation, maintenance, inspection, or emergency repair.

SEVENTEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do

so at least 10 working days prior to start of work may result in delay of the project.

EIGHTEEN: No construction work of any kind shall be done during the flood season from November 1st to April 15th without prior written approval of the Central Valley Flood Protection Board.

NINETEEN: All cleared trees and brush shall be completely burned or removed from the flood control project works, and downed trees or brush shall not remain in the project works during the flood season from November 1 to April 15.

TWENTY: Compaction tests by a certified soils laboratory will be required to verify compaction of backfill within the project area.

TWENTY-ONE: Fill material shall be placed only within the area indicated on the approved plans.

TWENTY-TWO: Prior to placement of fill against the landside levee slope and/or within 15 feet landward of the landside levee toe, all surface vegetation shall be removed to a depth of 6 inches. Organic soil and roots larger than 1-1/2 inches in diameter shall be removed to a depth of 3 feet.

TWENTY-THREE: All fill material placed against the landside levee slope and/or within 15 feet of the landside levee toe shall be a fill material with 20 percent or more passing the No. 200 sieve, a plasticity index of 8 or more, a liquid limit of less than 50 and free of lumps or stones exceeding 3 inches in greatest dimension, vegetative matter, or other unsatisfactory material. Fill material shall be compacted in 4- to 6-inch layers to a minimum of 90 percent relative compaction as measured by ASTM Method D1557-91.

TWENTY-FOUR: Fill on the levee slope shall be keyed into the existing levee section with each lift.

TWENTY-FIVE: The fill surface area shall be graded to direct drainage landward away from the levee crown.

TWENTY-SIX: Landscaping, appurtenances, and maintenance practices shall conform to standards contained in Section 131 of the Central Valley Flood Protection Board's Regulations.

TWENTY-SEVEN: Shrubs on the landward levee slope shall be no greater than 6 feet in diameter and shall be at least 30 feet apart.

TWENTY-EIGHT: No trees shall be planted within 40 feet of the landward levee shoulder.

TWENTY-NINE: All debris generated by this project shall be disposed of outside the floodway.

THIRTY: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the herein permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

THIRTY-ONE: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board at

the permittee's or successor's cost and expense.

THIRTY-TWO: The permittee or successor shall maintain the herein permitted landscaping, encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Central Valley Flood Protection Board, the Department of Water Resources, American River Flood Control District and/or any other agency responsible for maintenance.

THIRTY-THREE: The permittee or successor shall be responsible for repair of any damages to the project works and other flood control facilities due to construction, operation, or maintenance of the proposed project.

THIRTY-FOUR: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated March 6, 2008, which is attached to this permit as Exhibit A and is incorporated by reference.

THIRTY-FIVE: The permittee shall comply with all conditions set forth in the letter from the American River Flood Control District dated February 12, 2008, which is attached to this permit as Exhibit B and is incorporated by reference.



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

REPLY TO
ATTENTION OF

Flood Protection and Navigation Section (18305)

MAR 06 2008

Mr. Jay Punia, Executive Officer
Central Valley Flood Protection Board
State of California
3310 El Camino Ave., Room LL40
Sacramento, CA 95821

Dear Mr. Punia:

We have reviewed an application for a permit by Steve Goodwin (Reclamation Board Number 18305). These plans include placing approximately 1,500-linear feet of fill and planting native trees along the landside slope of the left (south) bank levee of the American River. The project is located in Sacramento, north of Richards Boulevard between 5th and 10th Streets in Section 25, Township 9 North, Range 4 East, M.D.B. & M. Survey, Sacramento County, California.

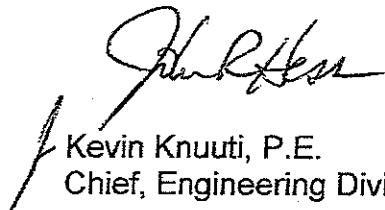
The District Engineer has no objection to approval of this application by your Board from a flood control standpoint subject to the following conditions:

- a. That the proposed work shall not be performed during the flood season of November 1 to April 15, unless otherwise approved in writing by your Board.
- b. That all areas to receive fill shall be cleared of vegetation prior to fill placement.
- c. That in the event trees and brush are cleared, they shall be properly disposed of outside the limits of the project works.
- d. That the project levee section and work area shall be restored to at least the same condition as existed prior to commencement of the proposed work.
- e. That the applicant shall repair any damage caused to the levee during placement of the fill.
- f. That the applicant shall use imported material for the fill.
- g. That the proposed fill shall be placed in 4- to 6-inch layers with suitable material, compacted to at least the same density as the adjacent undisturbed embankment or underlying foundation.
- h. That the proposed trees, at full maturity, shall be located at least 15-feet from the existing landside toe of the levee.

Based upon the information provided, no Section 10 or Section 404 permit is needed.

If you have any questions concerning our comments on this permit application, please contact Ms. Marsha Arani at (916) 557-5282 or Mr. Robert Murakami at (916) 557-6738.

Sincerely,



Kevin Knuuti, P.E.
Chief, Engineering Division

CF:

DWR, Mr. Jeremy Arrich, Chief, Flood Project Integrity and Inspection Branch,
3310 El Camino Avenue, Suite LL30, Sacramento, CA 95821

APPLICATION FOR A RECLAMATION BOARD ENCROACHMENT PERMIT

Application No. _____
(For Office Use Only)

1. Description of proposed work:

This application is for the purpose of placing fill on the dry side of the levee to raise the existing grade on the North end of the Township 9 development project. The placement of fill will essentially provide a thickened levee section along the south side of the American River starting at approximately 5000 feet east of the confluence with the Sacramento River and continuing for approximately 1500 feet eastward. The fill will terminate at buildings on the adjacent parcels to the south of the levee, and gradually slope south to existing grade along the proposed streets. A park and parallel roadway (Riverfront Drive) will be placed on top of the fill. See the attached letter for additional details of the plan.

2. Location: Sacramento County, in Section 25 & 36
Township: 9 N (N) (S), Range 4 E (W), M. D. B. & M.

3. Nolte Associates, Inc. of 2495 Natomas Park Drive, Fourth Floor
Name of Applicant Address
Sacramento CA 95833 916-641-9100
City State Zip Code Telephone Number
916-641-9222
Fax Number

4. Endorsement: (of Reclamation District)
We, the Trustees of American River Flood Control
Name and District Number

approve this plan, subject to the following conditions:

☐ Conditions listed on back of this form ☒ Conditions Attached ☐ No Conditions

[Signature] 2/8/08 [Signature] 2/8/08
Trustee Date Trustee Date

5. Names and addresses of adjacent property owners sharing a common boundary with the land upon which the contents of this application apply. If additional space is required, list names and addresses on back of the application form or an attached sheet.

<u>Massie & Co.</u>	<u>1801 Tribute Rd, Sacramento, CA</u>	<u>95815</u>
Name	Address	Zip Code
<u>Grove Investment Company</u>	<u>190 Newport Ctr Dr#100 Newport Beach, CA</u>	<u>92660</u>
<u>County of Sacramento</u>	<u>10545 Armstrong Ave #202D, Mather, CA</u>	<u>95655</u>
<u>SPID Co.</u>	<u>201 Mission St, San Francisco, CA</u>	<u>94105</u>



Board of Trustees
Karolyn W. Simon
Brian F. Holloway
Bettina C. Redway
Virginia G. Moose
Derek W. Minnema

General Manager/Engineer
Gary Hester, PE

RECEIVED

Handwritten: TSP-2008
2/28/09

February 12, 2008

Mr. Jay Punia
Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue
Sacramento, CA 95825

Subject: Encroachment Permit Application for Township 9 Development
Applicant: Nolte Associates, Inc

Dear Mr. Punia,

The American River Flood Control District Board of Trustees approved special permit conditions for the Township 9 Development. The permit conditions are enclosed along with the District endorsement of the application.

Please contact me at (916) 929-4006 if you need further information.

Sincerely,

Handwritten signature: Gary Prall
Gary Prall
Interim General Manager

Enclosures

cc: Sean Smith, Nolte Associates, Inc.

voice 916-929-4006 fax 916-929-4160

165 Commerce Circle, Suite D,
Sacramento, California 95815



Board of Trustees
Karolyn W. Simon
Brian F. Holloway
Bettina C. Redway
Virginia G. Moose
Derek W. Minnema

General Manager/Engineer
Gary Hester, PE

Permit Conditions

Permit Application No: (to be designated by the Central Valley Flood Protection Board)

Location: American River South Levee
City of Sacramento, 5th Street to 7th Street
Township 9 Development
Applicant: Nolte Associates, Inc.

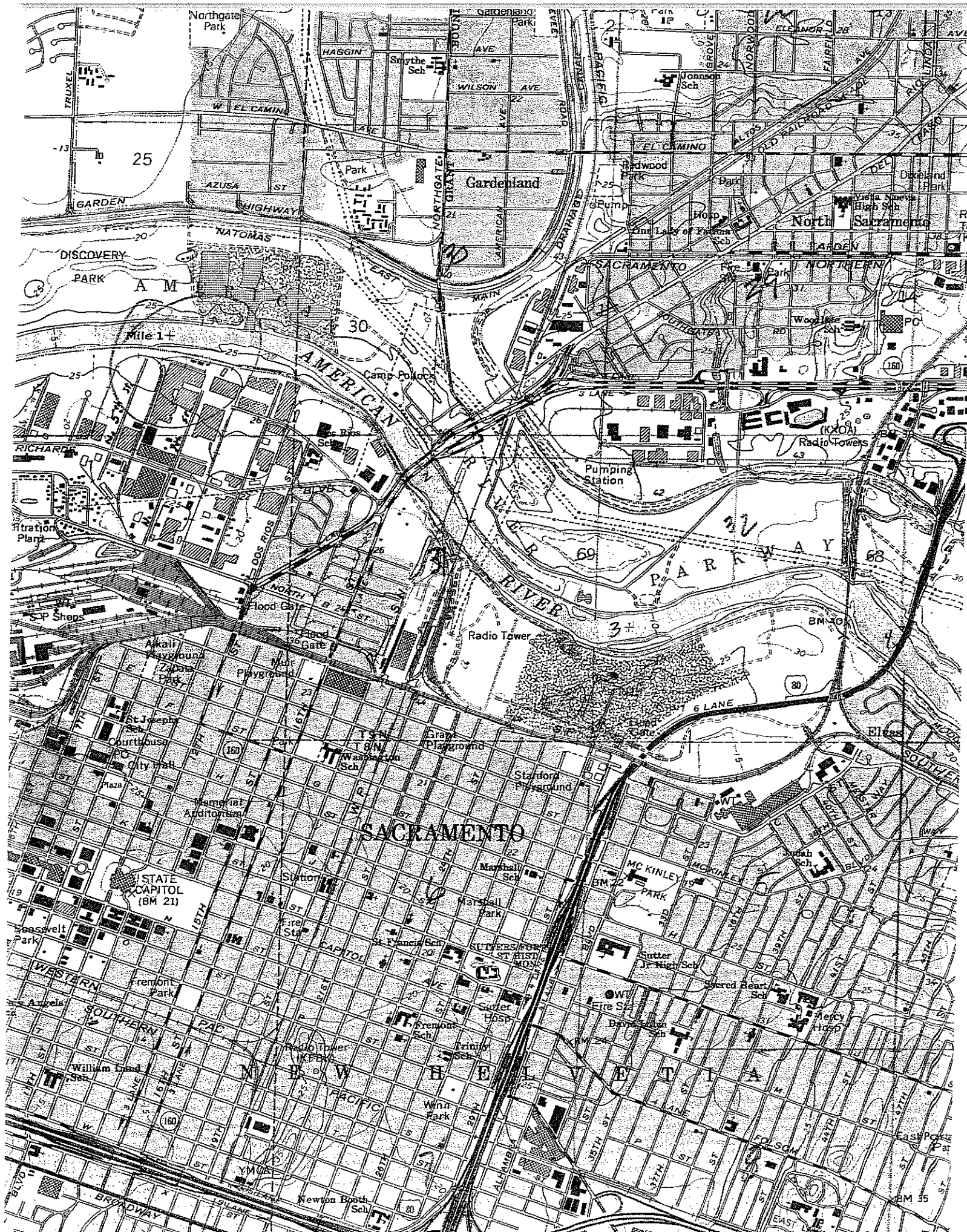
Description: To place fill on the landside of the levee for approximately 1500 feet. The fill will raise the existing grade at the north end of the Township 9 development and gradually slope south to the existing grade. A park and roadway parallel to the levee is proposed on top the fill.

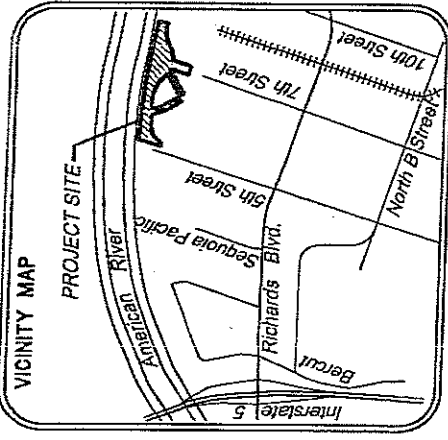
CONDITIONS:

1. Maintenance of all encroaching structures, facilities, vegetation or any other items approved under this permit shall remain the responsibility of the permittee unless otherwise agreed to by the District.
2. Permittee shall obtain all necessary permits and regulatory approvals for the proposed work.
3. Permittee shall coordinate with the District in the preparation of the project plans and specifications and with any modifications thereto. The District shall review and approve final plans and specifications and all modifications prior to construction.
4. Permittee shall obtain approval proposed vegetation plantings within the flood control easement with the District, Central Valley Flood Protection Board, and US Army Corps of Engineers to comply with applicable policies.
5. Permittee shall obtain approval with the District on any necessary gates or barricades to restrict unauthorized vehicle access to the levee.
6. Work on the levee shall be done outside of the flood season (November 1 to April 15) unless otherwise approved by the District and Central Valley Flood Protection Board.
7. Permittee is hereby informed that if the project creates additional/unusual operations and maintenance cost for the District, including but not limited to erosion caused by increased public use of the levee or access to the river, permittee or its successors may be required by the District to reimburse the District for its costs.

voice 916-929-4006 fax 916-929-4160

165 Commerce Circle, Suite D,
Sacramento, California 95815





LEGEND:

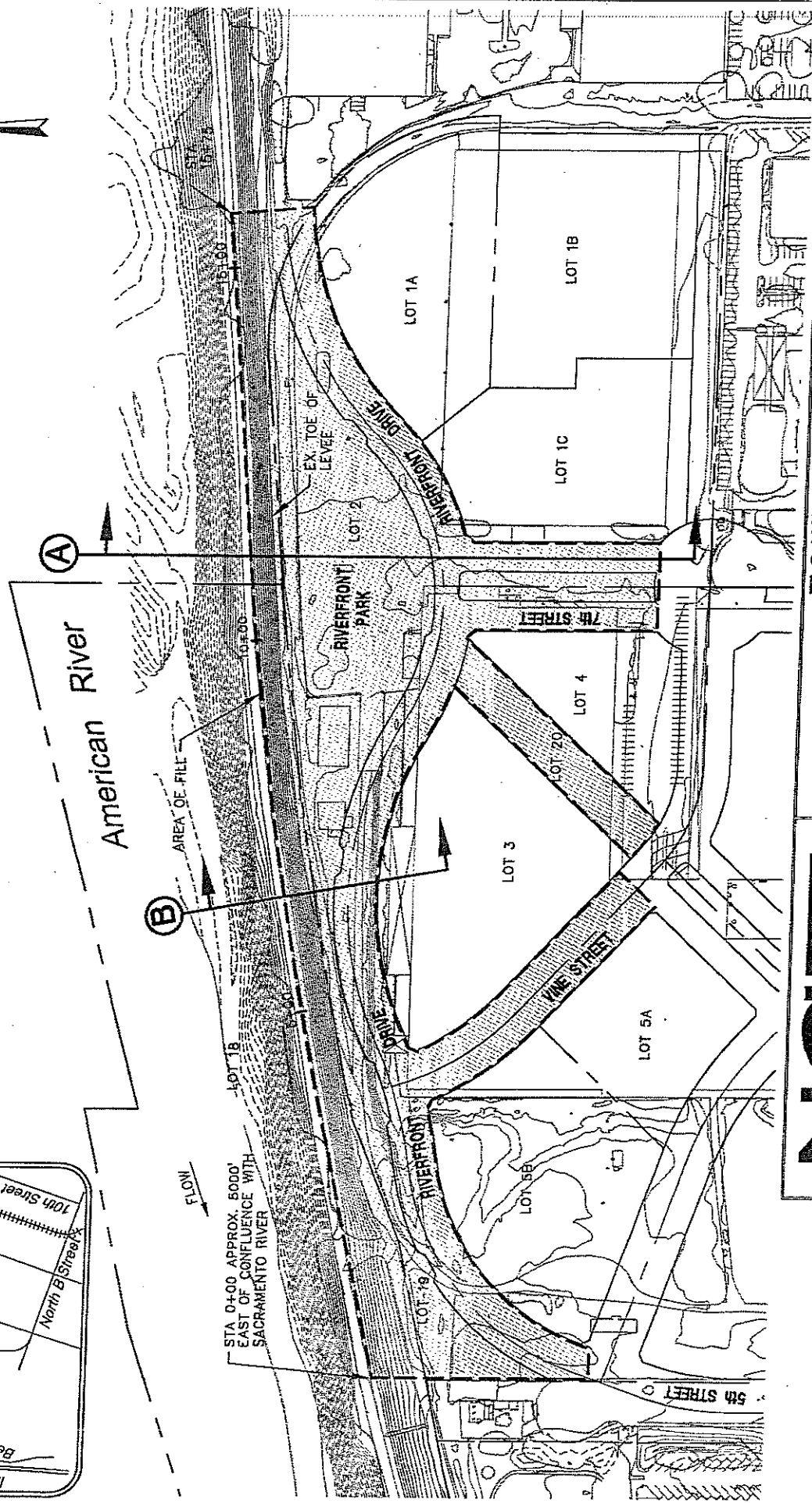
AREA OF FILL

NOTES:

1. DATUM = NATIONAL GEODETIC VERTICAL

2. CONSTRUCTION OF FILL TO CONFORM WITH THE RECLAMATION BOARD STANDARDS AND SPECIFICATIONS.

NORTH



NOTE

BEYOND ENGINEERING

2495 NATOMAS PARK DRIVE, FOURTH FLOOR SACRAMENTO, CA 95833

916.941.9100 TEL. 916.941.9222 FAX

WWW.BEYONDE.COM

TOWNSHIP 9

PROPOSED CONSTRUCTION OF LEVEE FILL

PLAN VIEW

SHEET NUMBER

1

OF 2 SHEETS

JOB NUMBER

SA1611

PREPARED FOR: CAPITOL STATION 65, LLC

DATE SUBMITTED: 10/26/2007

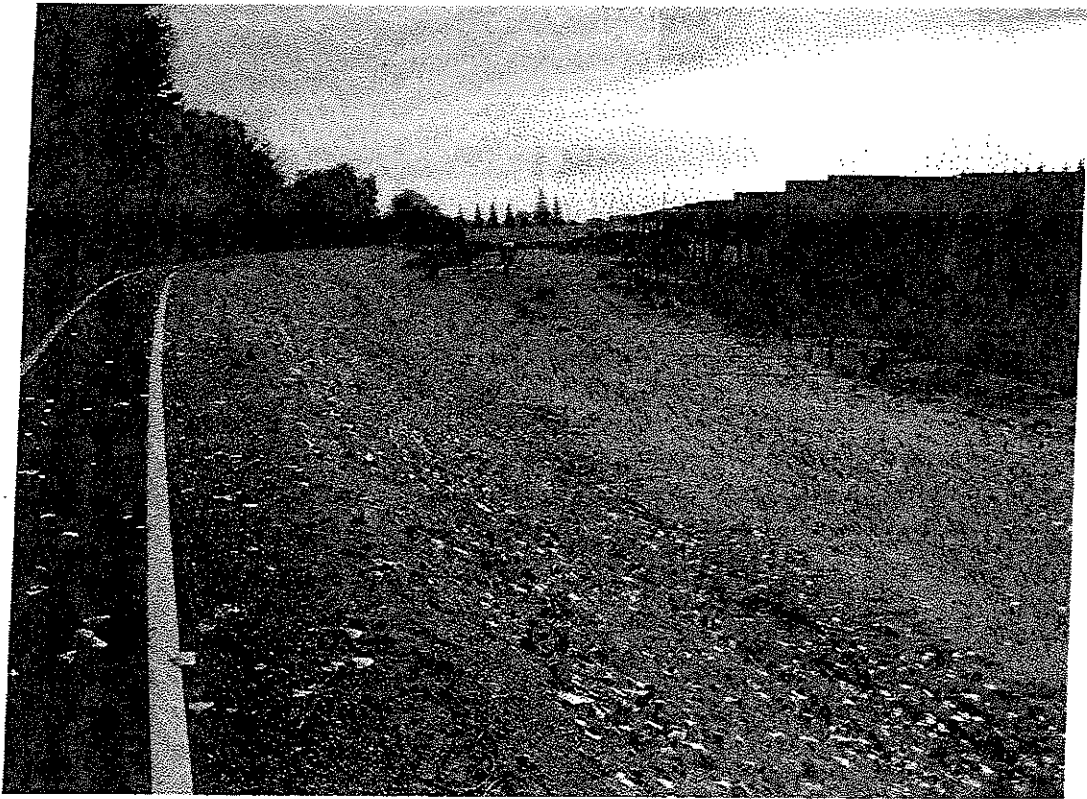


Photo #1: Top of levee looking east at location of Section B on plan

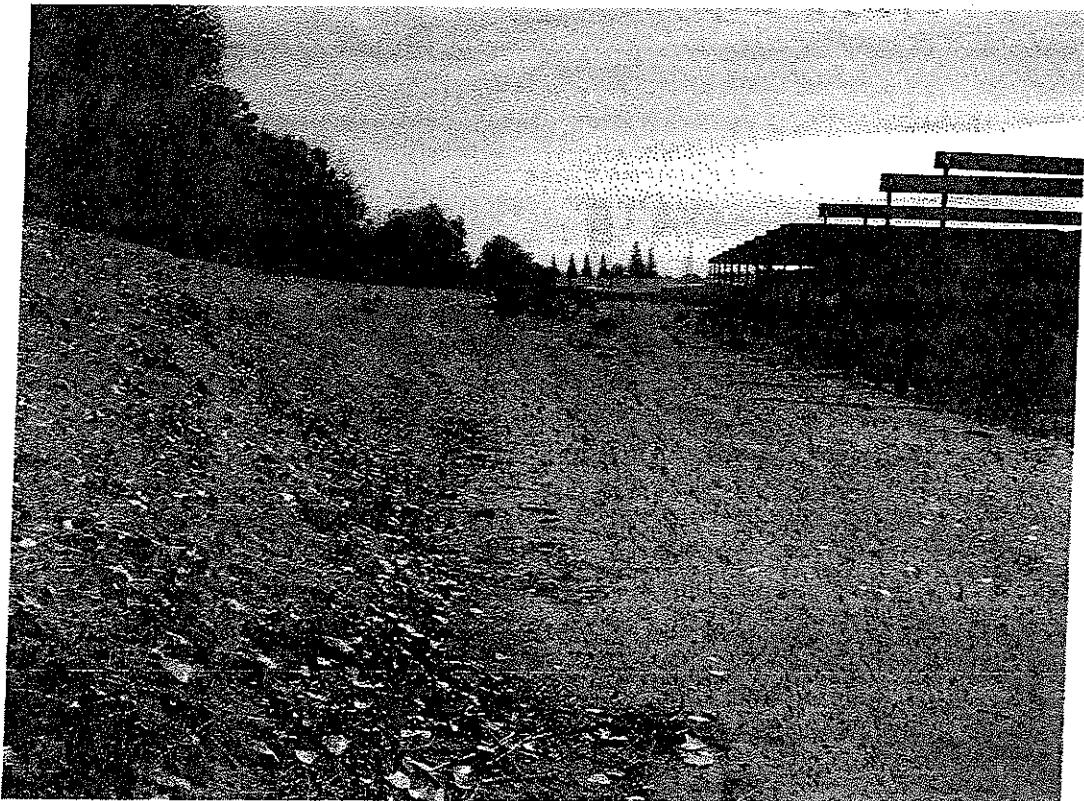


Photo #2: Toe of levee looking east at location of Section B on plan



Photo #3: Top of levee looking east toward location of Section A on plan

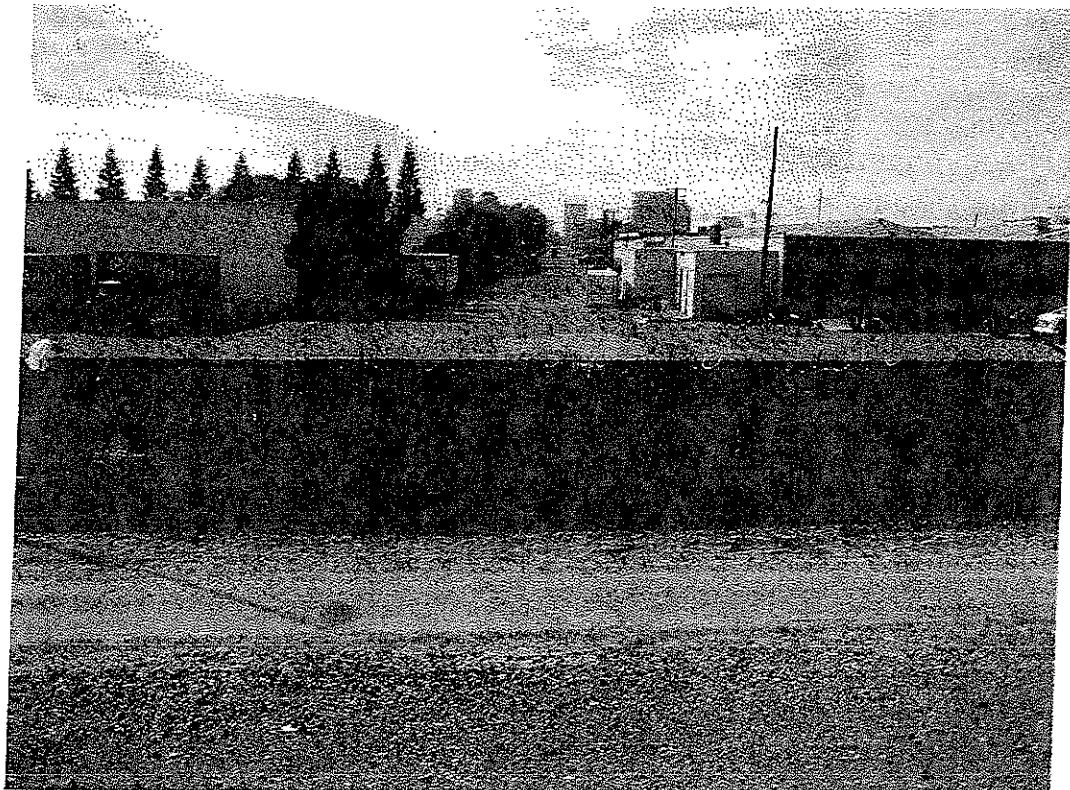


Photo #4: Top of levee looking south on 7th Street at location of Section A on plan

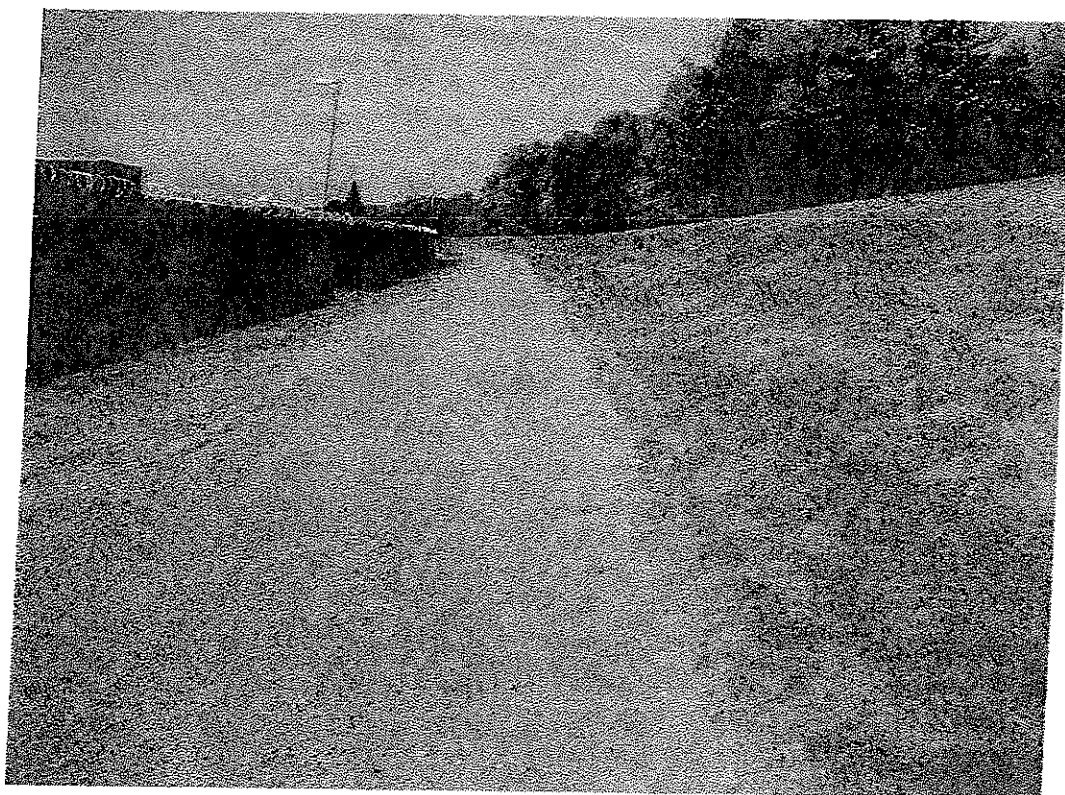


Photo #5: Toe of levee looking west at location of Section A on plan